

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
PERMITS SECTION
235 PROMENADE STREET
PROVIDENCE, RHODE ISLAND 02908-5767

PUBLIC NOTICE OF PROPOSED PERMIT ACTIONS UNDER THE RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM (RIPDES) PROGRAM WHICH REGULATES DISCHARGES INTO THE WATERS OF THE STATE UNDER CHAPTER 46-12 OF THE RHODE ISLAND GENERAL LAWS OF 1956, AS AMENDED.

DATE OF NOTICE: June 23, 2006

PUBLIC NOTICE NUMBER: PN06-05

I. DRAFT RIPDES PERMITS

RIPDES PERMIT NUMBER: **RI0023574**

NAME AND MAILING ADDRESS OF APPLICANT:

Ventures on Charles, Incorporated
1414 Atwood Avenue
Johnston, Rhode Island 02919

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Home Depot
387 Charles Street
Providence, Rhode Island 02903

RECEIVING WATER: **West River**

RECEIVING WATER CLASSIFICATION: **B{a}**

The above named applicant has applied to the Rhode Island Department of Environmental Management (DEM) for reissuance of a RIPDES Permit to discharge into the designated receiving water. The site, located at 387 Charles Street in Providence, is a former mill complex that had manufacturing, commercial, and industrial operations dating back to the late 1800's. The former mill buildings have been razed and the site has been redeveloped into a retail site. The discharge is from groundwater remediation activities at the site, which are necessary to treat elevated levels of CVOCs in the groundwater beneath the site. The groundwater treatment system consists of a five (5) tray air-stripping unit. The permit is being reissued with limitations as stringent or more stringent than those in the existing permit with no change to the outfall location or increase in flow. Therefore, the permit is consistent with the State's antibacksliding and antidegradation requirements.

RIPDES PERMIT NUMBER: **RI0001546**

NAME AND MAILING ADDRESS OF APPLICANT:

Rhode Island Mall, LLC
650 Bald Hill Road, Suite 191
Warwick, RI 02886

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Rhode Island Mall
East Avenue and Bald Hill Road
Warwick, Rhode Island 02886

RECEIVING WATER: **Pawtuxet River**

RECEIVING WATER CLASSIFICATION: **B1**

The above named applicant has applied to the DEM for reissuance of a RIPDES Permit to discharge into the designated receiving water. The facility is engaged in the operation of a retail mall. The discharge consists of cooling tower blowdown associated with an air conditioning system. Storm water discharges from this facility are permitted separately. The use of cooling tower treatment chemicals at the facility were approved for use based on the ecological toxicity information provided in the Material Safety Data Sheets to be protective of the most sensitive species. The DEM has determined that this permit is consistent with the State's antibacksliding and antidegradation requirements.

RIPDES PERMIT NUMBER: **RI0023299**

NAME AND MAILING ADDRESS OF APPLICANT:

Rhode Island Mall, LLC
650 Bald Hill Road, Suite 191
Warwick, RI 02886

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Rhode Island Mall
East Avenue and Bald Hill Road
Warwick, Rhode Island 02886

RECEIVING WATER: **Pawtuxet River**

RECEIVING WATER CLASSIFICATION: **B1**

The facility is engaged in the operation of a retail mall. The discharge consists of storm water from the mall, which includes various separate specialty shops, a Kohl's department store, a Wal-Mart, and their associated parking areas. In 1994 the DEM designated the facility as a significant contributor of pollutants to the Pawtuxet River. Therefore, in accordance with Rule 31(a)(1)(vii) of the RIPDES Regulations, the facility was required to apply for an individual RIPDES permit. The draft permit authorizes the discharge of storm water and certain allowable non-storm water discharges. The permit requires that the facility develop a Storm Water Pollution Prevention Plan (SWPPP) that will identify how the facility will minimize contamination of storm water and also uses benchmark monitoring to monitor the quality of the storm water discharges. Any exceedances of the benchmark values shall trigger a review of the facility's SWPPP and its storm water controls by the permittee and modification as necessary. The DEM has determined that this permit is consistent with the State's antibacksliding and antidegradation requirements.

RIPDES PERMIT NUMBER: **RI0021784**

NAME AND MAILING ADDRESS OF APPLICANT:

The City of Newport
70 Halsey Street
Newport, RI 02840

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Lawton Valley Water Treatment Plant
2154 West Main Road
Portsmouth, RI 02871

RECEIVING WATER: **Lawton Brook Tributary to Narragansett Bay**

RECEIVING WATER CLASSIFICATION: **A**

The City of Newport has applied to the Rhode Island Department of Environmental Management (DEM) for reissuance of a RIPDES Permit to discharge into the designated receiving water. The facility is involved in the production of potable water. This permit only authorizes the discharge of filter backwash. It will be necessary for the City of Newport to enter into a consent agreement with the DEM in order to establish an enforceable compliance schedule for the City of Newport to comply with the new pH, total residual chlorine, total aluminum, and total suspended solids treatment requirements and will also include a compliance schedule for the timely completion of the residuals management system that will be designed to direct all process discharges with the exception of filter backwash to the Newport Water Pollution Control Plant. This permit includes limits to ensure that the discharge will not cause a water quality violation and is consistent with the State's antibacksliding and antidegradation requirements.

II. DRAFT RIPDES PERMIT MODIFICATIONS

RIPDES PERMIT NUMBER: **RI0000191**

NAME AND MAILING ADDRESS OF APPLICANT:

Kenyon Industries, Incorporated
P.O. Box 115
Shannock, Rhode Island

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Kenyon Industries, Incorporated
36 Sherman Avenue
Kenyon, Rhode Island

RECEIVING WATER: **Pawcatuck River**

RECEIVING WATER CLASSIFICATION: **B1**

Kenyon Industries, Incorporated is a commission textile mill, located at 36 Sherman Avenue in Kenyon,

which performs scouring, dyeing, printing, finishing, and coating of woven fabrics. The wastewater discharge to the Pawcatuck River consists of treated domestic and industrial wastewater effluent. Treatment of industrial wastewater is accomplished through the use of two treatment lagoons and is discharged to the Pawcatuck River through an effluent diffuser. Treatment of domestic wastewater is accomplished through the use of a package Sanitary Wastewater Treatment Facility (SWWTF), which then discharges to the industrial wastewater treatment lagoon system. The current permit was issued on December 12, 2001 and include "Percent Removal" requirements for BOD₅ and TSS that were set equal to the requirements identified at 40 CFR 133.102. However, since the permit was originally issued, the permittee determined that they are unable to comply with the percent removal limits due to a "less concentrated influent". Therefore, in accordance with 40 CFR 133.103(d), the DEM is deleting the BOD₅ and TSS percent removal limits and replacing them with monitor only. The DEM has determined that this permit is consistent with the State's antibacksliding and antidegradation requirements.

The DEM has determined that the proposed activities comply with the Policy on the Implementation of the Antidegradation Provisions of the Rhode Island Water Quality Regulations and that existing uses will be maintained and protected. A detailed evaluation of the water quality impact from the proposed activities and any important benefits demonstrations, if required, may be found in the fact sheet and/or statement of basis for each permit, which are available as noted below.

FURTHER INFORMATION:

A fact sheet and/or statement of basis (describing the type of facility and significant factual, legal and policy questions considered in these permit actions) may be obtained at no cost by writing or calling DEM as noted below:

Rhode Island Department of Environmental Management
Office of Water Resources
RIPDES Program
235 Promenade Street
Providence, Rhode Island 02908-5767
(401) 222-4700

The administrative record containing all documents relating to these permit actions is on file and may be inspected, by appointment, at the DEM's Providence office mentioned above between 8:30 a.m. and 4:00 p.m., Monday through Friday, except holidays.

PUBLIC COMMENT AND REQUEST FOR PUBLIC HEARING:

Pursuant to Chapter 42-17.4 of the Rhode Island General Laws a public hearing has been scheduled to consider these permits if requested. Requests for a Public Hearing must be submitted in writing to the attention of Brian Lafaille, P.E. at the address indicated above. Notice should be taken that if DEM receives a request from twenty-five (25) people, a governmental agency or subdivision, or an association having no less than twenty-five (25) members on or before 4:00 PM, Tuesday July 25, 2006, a public hearing will be held at the following time and place:

Thursday July 27, 2006 at 5 pm
Room 280
235 Promenade Street
Providence, Rhode Island 02908

Interested persons should contact DEM to confirm if a hearing will be held at the time and location noted

above.

235 Promenade Street is accessible to the handicapped. A stenographic record of the hearing will be made. Individuals requesting interpreter services for the hearing impaired must notify the DEM at 401-222-4462 (TDD) 48 hours in advance of the hearing date.

Interested parties may submit comments on the permit actions and the administrative record to the address above no later than 4:00 PM Friday July 28, 2006.

If, during the public comment period, significant new questions are raised concerning the permit, DEM may require a new draft permit or statement of basis or may reopen the public comment period. A public notice will be issued for any of these actions.

Any person, including the permittee/applicant, who believes these permit actions are inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period under Rule 41. The public comment period is from June 23, 2006 to July 28, 2006. Commenters may request a longer comment period if necessary to provide a reasonable opportunity to comply with these requirements. Comments should be directed to DEM as noted above.

Any person, prior to such date, may submit a request in writing to DEM for a public hearing to consider the above permit actions. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least thirty days public notice whenever the Director finds that response to this notice indicates significant public interest. In reaching a final decision on the permit actions the Director will respond to all significant comments and make these responses available to the public at DEM's Providence office.

FINAL DECISION AND APPEALS:

Following the close of the comment period, and after a public hearing, if such hearing is held, the Director will issue a final decision and forward a copy of the final decision to the permittee and each person who has submitted written comments or requested notice. Within 30 days following the notice of the final decision, any interested person may submit a request for a formal hearing in accordance with the requirements of Rule 49.

Date

Eric A. Beck, P.E.
Supervising Sanitary Engineer
Office of Water Resources
Department of Environmental Management